

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Peter M. Perthou
Serial No. : 09/752,015
Filed : December 29, 2000
Title : KEY RING

Art Unit : 3627
Examiner : Suzanne Dino Barrett
Conf. No. : 1179

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION OF DECEMBER 17, 2008

Dear Commissioner,

Responsive to the office action dated December 17, 2008, please substitute the accompanying first page to the THIRD APPEAL BRIEF adding the sentence to "*Status of Claims*" -- Claims 7-10 have been cancelled. --.

The courtesy of Patent Appeal Center Specialist Hood in identifying this oversight is acknowledged with appreciation and the inconvenience to the Office sincerely regretted.

The THIRD APPEAL BRIEF is now submitted to be in acceptable form. If this Appeal Brief is not in acceptable form, the Patent Appeal Center Specialist is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps she believes are necessary to place the THIRD APPEAL BRIEF in acceptable form.

Please apply any charges or credits to deposit account 06-1050 under order number 08914-0009001.

Respectfully submitted,
FISH & RICHARDSON P.C.

31 December 2008
Date: _____

/charles hieken/

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Enclosure: Amended first page for THIRD APPEAL BRIEF
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THIRD APPEAL BRIEF

(i) *Real party in interest.*

Peter M. Perthou.

(ii) *Related appeals and interferences.*

A first Notice of Appeal was filed on January 23, 2003, the first Appeal Brief was mailed on April 28, 2003, the second Notice of Appeal was filed on January 6, 2006, the second Appeal Brief was filed on March 9, 2006, and Appeal No. 2007-2838, was decided on May 7, 2008 .

(iii) *Status of claims.*

Claims 3 and 5 being appealed stand rejected as unpatentable over the claim of U.S. Design Patent No. D435,720. Claims 1, 6 and 11 being appealed stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen as a primary reference in view of Jung as a secondary reference and Momemmers as a tertiary reference. Claims 2 and 4 being appealed stand rejected under 35 U.S.C. §103(a) as being unpatentable over the primary, secondary and tertiary references and further in view of Miller as a quaternary reference. Claims 7-10 have been canceled.

(iv) *Status of Amendments.*

No amendment was filed subsequent to the third final rejection.

(v) *Summary of Claimed Subject Matter.*

Regarding claim 1, a key ring comprising a key-holding ring, such as 12, a band, such as web 13, a D-ring, such as 11, coupling said band to said key-holding ring, page 1, lines 16-18, page 2, lines 13-14, said D-ring having a U-shaped portion, such as legs 11A, 11B and bight 11C